

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW REED,

Plaintiff,

v.

BRIAN FENSKE, *et al.*,

Defendants.

Case No. C12-1430-RAJ-JPD

ORDER RE: PENDING MOTIONS TO
STRIKE AND FOR EXTENSION OF
TIME

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. This matter comes before the Court at the present time on defendants' motions to strike plaintiff's response to defendants' summary judgment motions, plaintiff's motion for an extension of time to file his response to defendants' summary judgment motions, and plaintiff's request for sanctions. The Court, having reviewed the pending motions and the balance of the record, hereby finds and ORDERS as follows:

(1) Defendants' motions to strike as untimely plaintiff's response to their summary judgment motions (Dkts. 61 and 63) are DENIED. Defendants' alternative request for an extension of time to file reply briefs in support of their pending summary judgment motions is

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1 GRANTED. While plaintiff's response was, in fact, untimely, granting defendants' additional
2 time to file their reply briefs ameliorates any prejudice. Defendants' reply briefs were received
3 by the Court on January 16, 2014 and have been made a part of the record.

4 (2) Plaintiff's motion for an extension of time to file his response to defendants'
5 pending summary judgment motions (Dkt. 70) is GRANTED. Plaintiff's late filed response was
6 received by the Court on January 9, 2014 and has been made a part of the record.

7 (3) The briefing on defendants' pending motions for summary judgment is now
8 complete and the motions are deemed ripe for consideration as of January 17, 2014. The Clerk is
9 directed to RE-NOTE defendants' summary judgment motions (Dkts. 49 and 56) on the Court's
10 calendar for consideration on that date. A ruling on those motions will be forthcoming.

11 (4) Plaintiff's request for sanctions (*see* Dkt. 69) is DENIED. Plaintiff's request for
12 sanctions does not comport with the requirements of Fed. R. Civ. P. 11(c)(2). Moreover,
13 plaintiff's allegations of fraud and perjury on the part of defendant Fenske's counsel are
14 frivolous and do not warrant further discussion.

15 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
16 defendants, and to the Honorable Richard A. Jones.

17 DATED this 6th day of February, 2014.

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19 JAMES P. DONOHUE
20 United States Magistrate Judge
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